IN THE

Supreme Court of the United States

October Term, 1977

Supreme Court, U. S.
FILED
JAN 3 1978
MICHAEL RODAK, JR., CLERK

Docket No. 77-555

RUTH E. BUCK,

Petitioner,

vs.

THE BOARD OF EDUCATION OF THE CITY OF NEW YORK: Dr. Bernard E. Donovan—former Superintendent of Schools, Dr. Nathan Brown—former Superintendent of Schools, Dr. Irving Anker—former Superintendent of Schools, G. Gary Sousa—Law Secretary, Sheldon Wein—Teacher at Franklin K. Lane High School, Mary Cohen—Assistant Principal at Franklin K. Lane High School, Morton Selub—Principal at Franklin K. Lane High School, Elizabeth O'Daly—District Superintendent of School District No. 19, Dr. Jacob Zack—Assistant Superintendent in charge of High Schools, Dr. Beverly Lipschitz—Guidance Supervisor of School District No. 19, Daisy K. Shaw—Director of the Bureau of Educational and Vocational Guidance, Murray Cohn—Principal—High School of Commerce (now Brandeis High School), Evelyn Konigsberg—former Principal of Washington Irving High School, Charles Foy—Receptionist—Secretary to Medical Division, Sarah Braphart—Secretary to Medical Director, Dr. Naomi Pool—Acting Assistant Medical Director, Dr. Murray G. Fischer—former Ass't Medical Director, Dr. Sidney Leibowitz—Medical Director, Dr. Sidney Rosenberg—Asst. Superintendent in charge of Personnel, Dr. Theodore H. Lang—Deputy Superintendent in charge of Personnel, Allegedly Honorable Daniel Gutman—Trial Examiner, each of the afore-mentioned individually and as employees of the Board of Education of the City of New York;

and

(See inside of cover for additional defendants.)

BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

ANN THACHER ANDERSON
General Counsel
The Division of Human Rights of the
State of New York
Attorney for Respondents
The Division of Human Rights of the
State of New York,
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Jean MacPherson, and Arthur Stern
Two World Trade Center
New York, New York 10047
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LEONARD STRECHER
Of Counsel

THE DIVISION OF HUMAN RIGHTS OF THE STATE OF NEW YORK: Joseph Sperazi—Field Representative, Walter P. Offut, Jr.—Senior Field Representative, Jean MacPherson—Regional Director, Arthur Stern—Area Director, each of the afore-mentioned individually and as employees of the Division of Human Rights of the State of New York;

and

THE COMMISSION ON HUMAN RIGHTS OF THE CITY OF NEW YORK: John Doe and James Doe (said names of John Doe and James Doe being fictitious, their true names being unknown to plaintiff), Robert Perez-Wilson—Acting Chief, Investigations Division, each of the afore-mentioned individually and as employees of the Commission on Human Rights of the City of New York;

and

THE NEW YORK STATE SUPERVISORY COMMITTEE: Norman Frankel —Attorney and former Investigator, Harold G. Israelson, Attorney and former Chairman, each of the afore-mentioned individually and as employees of the New York State Supervisory Committee;

and

THE CORPORATION COUNSEL OF THE CITY OF NEW YORK: Edith A. Gordon—attorney, Charles D. Maurer—attorney, each of the afore-mentioned individually, and as employees of the Corporation Counsel of the City of New York;

and

THE DISTRICT ATTORNEY OF THE BOROUGH OF BROOKLYN: Jane Jones and John Jones and James Jones and Jack Jones (said names being fictitious, their true names being unknown to plaintiff), each of the afore-mentioned individually and as employees of the District Attorney of the Borough of Brooklyn;

and

THE DISTRICT ATTORNEY OF THE BOROUGH OF MANHATTAN: John Smith (said name of John Smith being fictitious, his true name being unknown to plaintiff), Michael Alan Richman, each of the afore-mentioned individually and as employees of the District Attorney of the Borough of Manhattan;

and

Abraham Mark Levien—Attorney, William Goffen—Attorney, David Lubash—Attorney, Marjorie O'Connell—Attorney, Allegedly Honorable Frederick Backer—Justice of the Supreme Court of the State of New York—Borough and County of Manhattan—individually;

and

others, whose identities are not ascertained,

Defendants.

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and

THE DIVISION OF HUMAN RIGHTS OF THE STATE OF NEW YORK: Joseph Sperazi—Field Representative, Walter P. Offut, Jr.—Senior Field Representative, Jean MacPherson—Regional Director, Arthur Stern—Area Director, each of the afore-mentioned individually and as employees of the Division of Human Rights of the State of New York;

and

THE COMMISSION ON HUMAN RIGHTS OF THE CITY OF NEW YORK: John Doe and James Doe (said names of John Doe and James Doe being fictitious, their true names being unknown to plaintiff), Robert Perez-Wilson—Acting Chief, Investigations Division, each of the afore-mentioned individually and as employees of the Commission on Human Rights of the City of New York;

and

THE NEW YORK STATE SUPERVISORY COMMITTEE: Norman Frankel —Attorney and former Investigator, Harold G. Israelson, Attorney and former Chairman, each of the afore-mentioned individually and as employees of the New York State Supervisory Committee;

and

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and

THE DISTRICT ATTORNEY OF THE BOROUGH OF MANHATTAN: John Smith (said name of John Smith being fictitious, his true name being unknown to plaintiff), Michael Alan Richman, each of the afore-mentioned individually and as employees of the District Attorney of the Borough of Manhattan;

and

Abraham Mark Levien—Attorney, William Goffen—Attorney, David Lubash—Attorney, Marjorie O'Connell—Attorney, Allegedly Honorable Frederick Backer—Justice of the Supreme Court of the State of New York—Borough and County of Manhattan—individually;

and

others, whose identities are not ascertained,

Defendants.

BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Respondents, Division of Human Rights of the State of New York; Joseph Sperazi, Walter P. Offut, Jr., Jean MacPherson and Arthur Stern, pray that the petition herein for a writ of certiorari to the Court of Appeals for the Second Circuit be denied *in toto* or at least insofar as it seeks to review the dismissal of the complaint against such respondents.

Opinions Below

The opinion of the District Court for the Eastern District of New York which granted judgment dismissing the complaint against respondents Division of Human Rights of the State of New York, Joseph Sperazi, Walter P. Offut, Jr., Jean MacPherson and Arthur Stern is not reported but appears in the Appendix to the Petition for a Writ of Certiorari on pages A-2 to and including A-17. The opinion of the Court of Appeals for the Second Circuit is reported at 553 F.2d 315. The asserted basis for jurisdiction is Title 28 U.S.C. section 1254, subdivision 1, which authorizes petitions for a writ of certiorari from final determinations of the various circuit Courts of Appeals.

Question Presented

Whether the complaint was properly dismissed against respondents State Division of Human Rights, Joseph Sperazi, Walter P. Offut, Jr., Jean MacPherson and Arthur Stern.

Constitutional Provisions and Statutes Involved

Petitioner asserts that respondents conspired to deprive her of her civil rights in violation of the Civil Rights Act of 1871 (42 U.S.C. §§1983, 1985, 1986).

Statement of the Case

Petitioner seeks review by this Court of a decision of the United States Court of Appeals for the Second Circuit, reported at 553 F.2d 315 (2d Cir. 1977) (Moore, Oakes and Timbers). That decision (1) affirms dismissal by the District Court for the Eastern District of New York of petitioner's complaint against the New York State Division of Human Rights, Joseph Sperazi, Walter P. Offut, Jr., Jean MacPherson and Arthur Stern (herinafter referred to as respondent Division and its respondent employees; (2) reverses that part of a judgment of the District Court finding a violation of the Fourteenth Amendment to the United States Constitution by some of the respondents not associated with the State Division of Human Rights.

Oakes, J., dissented as to (2) but agreed with the District Court that the complaint was properly dismissed as to respondent Division and its respondent employees.

On June 25, 1968, petitioner filed a verified complaint with the Division, pursuant to Section 296.1(a) of the Human Rights Law (N.Y. Executive Law, Art. 15), charging the Board of Education of the City of New York and certain of its employees with an unlawful discriminatory practice relating to employment, by denying her equal

terms, conditions and privileges of employment because of her race, creed and national origin.

Respondent Joseph Sperazi, who at that time worked at the Division's Brooklyn Office, drafted the complaint. He had no further dealings with petitioner after that date.

The complaint was investigated by Respondent Walter P. Offut, Jr., now deceased but then employed as a Senior Field Representative. In the course of this investigation, respondent Offut met petitioner at an investigation conference held in the offices of the Division on July 12, 1968. This conference was followed by telephone conversations and brief office visits.

The Regional Manager of the Brooklyn Office at that time was Respondent Jean MacPherson. The Brooklyn Office conducted field investigations and held a conference on petitioner's complaint.

On August 12, 1968, petitioner wrote a letter to respondent MacPherson requesting that her complaint be withdrawn pursuant to Rule 3(i) of the Division's Rules of Practice (9 N.Y.C.R.R. §465.3). Respondent Arthur Stern, then employed as Downstate Director of the Division's Bureau of Regional Affairs, signed on August 28, 1968, and the Division issued, a determination dismissing the complaint, and closing the file, by reason of petitioner's withdrawal of the complaint. Respondent Stern had no personal contact with petitioner.

ARGUMENT

The dismissal of the complaint against the New York State Division of Human Rights and its respondent employees was so clearly proper that there is no basis for this court to review that dismissal.

The Second Circuit was correct in affirming that part of the decision of the District Court which dismissed the complaint against respondent Division and its respondent employees. The petition fails to raise any question as to that part of the decision of the Second Circuit warranting review by this Court.

The lower courts held that the Division is not a "person" subject to suit under Section 1983, the Civil Rights Act of 1871, 42 U.S.C. §1983. This conclusion is supported by the authorities cited in the opinion of the District Court (See Petition A-11ff.).

The Division is an administrative agency of the State of New York. The State would be compelled to pay any judgment against the Division or its employees. This action is thus a suit for damages against the state, which has not consented to suit. The action is therefore barred by the Eleventh Amendment. *Edelman* v. *Jordan,* 415 U.S. 651 (1974).*

A determination by a state law enforcement agency not to proceed on a particular complaint is a discretionary matter which federal courts will not ordinarily review. *Green* v. *City of Glen Cove,* 332 F.Supp. 916, 918 (E.D.N.Y.

* Unlike a suit under Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972, 42 U.S.C. §1983 does not express any intention by the Congress to impose liability on the States. Therefore, the fact that 42 U.S.C. §1983 enforces the Fourteenth Amendment is irrelevant. Cf. *Fitzpatrick* v. *Bitzer,* 427 U.S. 445 (1976).

1971). It should be noted that petitioner withdrew her complaint under the Human Rights Law against the Board of Education of the City of New York before the Division and its respondent employees made a determination with respect to it. Petition at 67. It is to be further noted that there is no conflict among the various circuits with respect to the aforegoing issues and that there is no novel question of general importance to justify a further review of the dismissal of the complaint as to the Division of Human Rights of the State of New York, Sperazi, Offut, MacPherson and Stern.

Conclusion

The petition for certiorari should be denied in toto or at least insofar as it seeks to review the dismissal of the complaint against respondents The Division of Human Rights of the State of New York, Joseph Sperazi, Walter P. Offut, Jr., Jean MacPherson, and Arthur Stern.

Dated: New York, New York
January 3, 1978

Respectfully submitted,

ANN THACHER ANDERSON
General Counsel
The Division of Human Rights
of the State of New York
Attorney for Respondents
The Division of Human Rights of the
State of New York,
Joseph Sperazi, Walter P. Offut, Jr.,
Jean MacPherson, and Arthur Stern
Two World Trade Center
(212) 488-7650

LEONARD STECHER
Of Counsel

APPENDIX

Exhibit A

STATE OF NEW YORK
Executive Department

Complaint No. C16406-68

STATE COMMISSION FOR HUMAN RIGHTS
on the complaint of

RUTH E. BUCK

Complainant,

against

BOARD OF EDUCATION OF THE CITY OF N. Y.; MRS. DAISY SHAW, Dir. Bur. of Educ. and Voc. Guidance; DR. BEVERLY LIPSCHITZ, Supervisor of Guidance; MR. MORTON SELUB, Principal, F. K. Lane H.S.; and MRS MARY COHEN, Adm. Asst. F. K. Lane H.S.,

Respondent.

I, Ruth E. Buck, residing at 133-54 Avery Avenue, Flushing, New York 11355, Tel. No. LE 9-8015, charge the Board of Education of the City of New York; Mrs. Daisy Shaw, Dir. Bur. of Educ. and Voc. Guidance; Dr. Beverly Lipschitz, Supervisor of Guidance; Mr. Morton Selub, Principal, F. K. Lane H.S. and Mrs. Mary Cohen, Adm. Ass't. F. K. Lane H.S., whose address is 110 Livingston Street, Brooklyn, New York, Tel. No. 596-6000, with an unlawful discriminatory practice relating to employment on or about continuously since 1964 by denying me the terms,

Exhibit A

conditions and privileges of employment because of my race and creed.

The particulars are:

1. In 1957 I was hired as a teacher of business subjects. I taught at Seward Park High School, Long Island City High School, and High School of Commerce. I am presently a Guidance Counselor at Franklyn K. Lane High School in Brooklyn, N. Y.

2. In 1963, I took an examination for Guidance Counselor. I was appointed to Franklyn K. Lane High School, effective September 1964.

3. In June 1964, I was excessed from Lane High School because of retrenchment. Subsequently I was denied an opportunity for a Guidance Counselor position at Forest Hill High School by Mrs. Daisy Shaw, Director of Bureau of Educational and Vocational Guidance.

4. At a meeting on or about March 23, 1965, Mrs. Shaw's representative (the last speaker of the agenda) said that the White, Anglo-Saxon Protestants who he referred to as Wasps had done damage to our country, that new people had now taken over and that the day of the Wasp is over.

5. In May 1964, I was left out of High School Guidance Counselor list and after I went to the Board of Education to investigate, Mrs. Shaw called my Principal, Mr. Murray Cohn, and said that I made such a rumpus at the Board of

Exhibit A

Education that I made Miss Jeannette Busch sick and she had to go home. Mrs. Shaw thus disturbed my relationship with my Principal at the High School of Commerce.

6. In February 1967, after having been excessed once before, I should have been immune to further excessing, but I nevertheless was excessed the second time over the objection of my Principal, Mr. Ryan, at Bryant High School by Mrs. Daisy Shaw's office causing me to seek another job.

7. I believe I was again denied equal opportunity December 1967, for a federally funded position with the Board of Education by Mrs. Daisy Shaw or Mr. Ben Stern, Coordinator, Board of Education, Room 515, 131 Livingston Street.

8. In June 1968, I was denied another opportunity for a special position at Lane High School for Counseling a limited case load of 100 college bound students. However, Mrs. Helen Benjamin, who has less seniority than I was given the position.

9. During the past year of my employment at Lane High School I have been harassed by Mrs. Mary Cohen, Administrator Assistant, because of her baseless derogatory letters of evaluation which have been answered and disproved.

10. I have also been harassed by Mr. Morton Selub, Principal and Dr. Beverly Lipschitz, Supervisor of Guidance. At a meeting last term Dr. Lipschitz disparagingly referred to the White Anglo-Saxon Protestant leader Billy Graham, connecting his name with the word "lie".

Exhibit A

11. I am a White Anglo-Saxon Protestant. Based on the foregoing, I charge the Board of Education of the City of New York, Mrs. Daisy Shaw, Director, Bureau of Educational and Vocational Guidance; Dr. Beverly Lipschitz, Supervisor of Guidance; Mr. Morton Selub, Principal, F. K. Supervisor of Guidance Mr. Morton Selub, Principal, F. K. Lane High School; and Mrs. Mary Cohen, Administrator Assistant, F. K. Lane High School, with denying me the terms, conditions and privileges of employment because of my race and creed, in violation of the New York State Law Against Discrimination.

I have not commenced any action, civil or criminal, based upon the above grievance.

RUTH E. BUCK
(Signature of Complainant)

STATE OF NEW YORK)
COUNTY OF) ss:

RUTH BUCK, being duly sworn, deposes and says: that he is the Complainant herein; that he has read the foregoing complaint and knows the contents thereof; that the same is true of h own knowledge except as to the matters therein stated on information and belief; and that as to those matters he believes the same to be true.

RUTH E. BUCK
(Signature of Complainant)

Subscribed and sworn to before me
this 25 day of June, 1968

(Notarial Illegible)

Exhibit B

STATE OF NEW YORK
Executive Department
STATE COMMISSION FOR HUMAN RIGHTS

Inter-Office Memorandum

Office Region Id

Date August 12, 1968

To: Mr. Arthur W. Stern, N.Y. Regional Director

From: Walter P. Offut, Jr., Sr. Field Representative

Subject: Ruth E. Buck vs.
Board of Education of the City of N.Y.;
Mrs. Daisy Shaw, Dir., Bur. of Educ. and Voc. Guidance; Dr. Beverly Lipschitz, Supvr. of Guidance; Mr. Morton Selub, Principal, F.K. Lane H.S.; and Mrs. Mary Cohen, Administrative Ass't. F.K. Lane H.S.
Case No. C-16406-68

Investigatory Conference

A conference was held in Regional Director Jean MacPherson's office on July 12, 1968. Present were:

For the Commission:

Jean MacPherson — Regional Director

Walter P. Offut, Jr. — Senior Field Representative

Exhibit B

For the Respondents:

Mrs. Daisy Shaw	— Director, Bureau of Education and Vocational Guidance
Mr. Morton Selub	— Principal, Franklin K. Lane High School
Mrs. Elizabeth O'Daly	— Assistant Supt. District #19
Mrs. Mary Cohn	— Administrative Ass't. Franklin K. Lane High School
Frederick Williams	— Assistant Supt. in charge of Intergroup Relations

The complainant, Mrs. Ruth Buck, also was present and actively participated in the conference.

Regional Manager Jean MacPherson opened the conference by reading the allegations in the above-captioned complaint.

The jurisdiction of the Division was raised. The respondents' representatives were of the opinion that the complainant's charges should go through the proper channels of the Board of Education and was not a matter that should be brought before the Division. Regional Manager MacPherson stated that the Division was only concerned with complainant's charge that she was denied terms, conditions and privileges of employment because of her race and creed, in violation of the New York State Law Against Discrimination.

The complainant and the respondents' representatives agreed that the complainant was excessed from the Frank-

Exhibit B

lin K. Lane High School in June 1965 instead of June 1964 as the date given in the complaint.

Mrs. Shaw stated that after the complainant was excessed from the Franklin K. Lane High School she applied for a position as counselor at the Forrest Hill High School. She was not appointed to this position.

Mrs. O'Daly agreed that the principal was within his rights in choosing a guidance counselor whom he felt he could work with. An excessed teacher must have been employed in the school system for five years.

The March 23, 1965 meeting to which the complainant refers was held at the High School of Fashion and Industries. It was called for guidance counselors of all levels. The only male panelist on the program was Paul J. Driscoll, who spoke at the beginning of the meeting and was not the last person to speak as stated in Allegation #4 of the complaint. A check with Dr. Bernard Donovan's personal secretary says that from his calendar it would have been impossible for him to have attended the conference on that day. (See Exhibits 1 & 2.)

Mrs. Shaw stated, according to Mrs. Jeanette Bush of the Board of Examiners, that the complainant's name did not appear in the listing of candidates who had passed the examination for guidance counselors in the city high schools, effective retroactive to May 6. Said list was published in the May 5, 1964 edition of the New York Telegram and Sun. The omission of the complainant's name from the list was due to a delay in receiving a transcript of the courses that she had completed at Queens College. The complainant was added to the original list and her appointment was made at the same time as all of the other coun-

selors' appointments in June 1964. Mr. Murray Cohn, Principal of the High School of Commerce, states that he vaguely recalls the telephone call from Mrs. Shaw to inquire about his disposition regarding the assignment of the complainant to his school as a guidance counselor. The complainant was a former teacher at Commerce and Mr. Cohn did not think the complainant's personality would cause the best relationship between him and the school. The complainant challenged Mr. Cohn's remarks and submitted the following evaluations, including the Individual Rating Report by Mr. Salub dated June 28, 1968: satisfactory evaluations signed by Principals Sidney Names, Vincent McGarrett, Paul Balser, Acting Principals Samuel Forsheit and Benjamin Bernardi; commendatory letters from Ida Silver, Principal Donald J. Ryan; Individual Rating Reports signed by Principals, Morton Selub (principal of school in which the complainant is presently employed), Donald J. Ryan, Murray A. Cohn, Sidney Names and Mrs. Daisy Shaw, Director of Bureau of Education and Vocational Guidance.

In light of the above-mentioned evaluations, (especially the complainant's *rating for the year ending June 28, 1968* submitted by Principal Morton Selub), Mrs. Buck could not understand the reasons for the letter signed by Mr. Selub requesting that a medical examination be given her. (See Exhibit 6.)

The complainant was not excessed in February 1967 as stated in Allegation #6. The complainant was granted a maternity leave. In such cases the position automatically becomes vacant. It does not necessarily mean that the counselor returns to the same school when the leave is terminated. Teachers who take maternity leaves remain on

leave for one and a half or two years. However, six months after complainant gave birth to her baby she requested that her leave be terminated.

The complainant applied for a temporary assignment for a few months as counselor in the field of Business Career in a college bound program. (See Allegation #8.) A total of twenty-three persons applied, including the complainant. Mrs. Shaw stated that Mr. Stern, Coordinator of the special project, felt that certain qualifications in meeting certain situations would be involved in this position and he chose a Mrs. Winkler who is also white and protestant.

List of Attachments

1. Exhibit I —Statement by Mrs. Shaw.
2. Exhibit II —Announcement of meeting of Principal of Vocational High School.
3. Exhibit III—Individual Rating Reports: Principals Donald J. Ryan, Morton Selub, Murray Cohn, Sidney Name, Samuel Forsheit, Director Daisy K. Shaw.
4. Exhibit IV—Commendatory letters: Principal Donald Ryan and Ida Silver.
5. Exhibit V —Reports on Teaching Service—Principals Murray A. Cohn, Sidney Name, Vincent McGarrett, Paul Balser, Benjamin Bernardi.
6. Exhibit VI—Request for Medical Examination of Mrs. Buck by Morton Selub.

WPO/dd
Attachments

Exhibit C

133-54 Avery Avenue
Flushing, New York 11355
August 12, 1968

Miss Jean MacPherson, Investigating Director
State of New York, Executive Department
Division of Human Rights
15 Lafayette Avenue
Brooklyn, New York 11217

Re: C-16406-68

Buck vs. Board of Education, et al.

Dear Miss MacPherson:

One day last week I consulted an attorney because the Board of Education requested for the second time that I be medically examined. It was this attorney's opinion that I should first try to work things out with the Board of Education by asking them for a transfer from my present school to another school. As you may know from my file, this is in line with a former suggestion by the Board of Education.

I am not positive of exactly what steps I will take between now and the opening of the new school term. Of course, I hope that everything will work out well for me by the time that Guidance Counselors are due to report for the new term. I feel that it would really be to my best

Exhibit C

interest at this time to withdraw the complaint against the Board of Education that I filed with your Division.

I request that this complaint be dropped and I would so much appreciate your advising me promptly that permission to withdraw is granted. Thank you for your attention in this matter.

Very truly yours,

RUTH E. BUCK
(Mrs.) Ruth E. Buck

Exhibit D

Case No. C-16406-68:

Ruth E. Buck

vs.

Board of Education of the City of New York; Daisy Shaw, Director, Bureau of Educational and Vocational Guidance; Dr. Beverly Lipschitz, Supervisor of Guidance; Morton Selub, Principal, F. K. Lane High School; and Mary Cohen, Administrative Assistant, F. K. Lane High School.

On June 25, 1968, Ruth E. Buck, who is a White Anglo-Saxon Protestant, filed a verified complaint with the State Commission For Human Rights, charging the above-named respondents with an unlawful discriminatory practice relating to employment, by denying her equal terms, conditions and privileges of employment because of her race, creed and national origin, in violation of the Law Against Discrimination.

Effective July 1, 1968, there was created by an act of the Legislature a Division of Human Rights under the Human Rights Law. The Law as amended provides:

> "Any proceeding before the State Commission For Human Rights commenced prior to the effective date of this act by the filing of a complaint alleging an unlawful discriminatory act shall continue to be subject to the jurisdiction of the Division."

Accordingly, this complaint is subject to the jurisdiction of the Division of Human Rights.

Exhibit D

During the course of the investigation the complainant submitted a letter to the Division requesting leave to withdraw her complaint against all named respondents, stating that to do so "would be to my best interest."

Pursuant to the Human Rights Law and the Rules of Practice of the Division, the complaint is dismissed and the file is closed.

Dated: August 23, 1968

STATE DIVISION OF HUMAN RIGHTS

By ARTHUR W. STERN

Arthur W. Stern
Regional Director

To:

Mrs. Ruth E. Buck, Complainant
133-54 Avery Avenue
Flushing, New York 11355

Board of Education of the City
of New York, Respondent
110 Livingston Street
Brooklyn, New York 11201
Attn: Mr. Frederick Williams, Assistant
Superintendent, Human Relations

Mrs. Daisy K. Shaw, Respondent
Director
Bureau of Educational and Vocational Guidance
Board of Education of the City of New York
110 Livingston Street
Brooklyn, New York 11201

Exhibit D

Dr. Beverly Lipschitz, Respondent
Supervisor of Guidance
Board of Education of the City of New York
110 Livingston Street
Brooklyn, New York 11201

Mr. Morton Selub, Principal, Respondent
F.K. Lane High School
Jamaica Avenue at Dexter Court
Brooklyn, New York 11208

Mrs. Mary Cohen, Respondent
Administrative Assistant
F.K. Lane High School
Jamaica Avenue at Dexter Court
Brooklyn, New York 11208

cc. Mrs. Elizabeth O'Daly, Assistant
Superintendent, District 19
Board of Education of the City of New York
George Gershwin Junior High School
2060 Linden Boulevard
Brooklyn, New York